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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,949	09/01/1999	MITSUHIRO KAWAGUCHI	FUJS-16.462	3207

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/387,949

Applicant(s)

KAWAGUCHI ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Azuma (US 6,430,150).

Regarding claims 1 and 2, Azuma teaches a method and apparatus for a cross-connect method (fig. 6 box 16, 18, col. 7 lines 51 - 60) for performing a cross-connect operation on a main signal including a working channel signal / working path and a protection channel signal / alternate virtual path (col. 8 lines 55 - 65).

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The system comprises retaining line setting information for the cross-connect operation (fig. 6 box 32, 30, col. 8 line 55 - col. 9 line 8).

The system comprises detecting trigger information, causing a selection of one of the working path and the protection path, for an individual channel signal from the main signal (fig. 6 box 10, 20, col. 7 lines 52 - 56).

The system comprises cross-connecting trigger information pieces (fig. 6 box 10, 20) detected for the individual channel signal according to the line setting information (fig. 6 box 16, col. 7 lines 58-61). As stated previously, the line setting information is located (fig. 6 box 32, 30).

The system comprises controlling the cross-connect operation of the main signal based on the line setting information and the cross-connected trigger information pieces so that one of the working path and the protection path signals is selectively output (col. 8 line 59 - 63).

Regarding claim 3, an alarm detection section (fig. 6 box 10, col. 4 lines 38 - 49), an alarm information cross connect section (fig. 6 box 16) a switch control section (fig. 6 box 16), where cross connect operation is operable based upon

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information provided by the switch control section (col. 8 lines 13 - 25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma as applied to claim 1 above, and further in view of Renaudin (US 4,388,715).

Azuma fails to teach prioritized alarm detection information.

Renaudin teaches prioritization of alarm signals (fig. 1 box LGa, LGb, col. 1 lines 50-55).

Therefore it would have been obvious to one of ordinary skill in the art, having both Azuma and Renaudin before him/her and with the teachings [a] as shown by Azuma, a cross connect apparatus comprising a working path and alternate path, and [b] as shown by Renaudin, prioritized alarm detection information,

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to be motivated to modify the system of Azuma by using alarm signals with different priority levels. This modification could be performed in software. This would improve the system since the most critical problems will be responded to first.

Allowable Subject Matter

5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 5, nothing in the prior art teaches or fairly suggests a concatenation information detection section, in combination with the other limitations listed in the claim.

Response to Arguments

7. Applicant's arguments filed 2/19/03 have been fully considered but they are not persuasive. The applicant argues, "the cross-connecting operation is shared for both the cross-connecting operation for the main signal and the switching operation between the working path and the protection path"

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(applicant: pg. 6 last paragraph). However, the limitation of sharing is not addressed in the claims. In contrast, Azuma teaches controlling the cross-connect operation (fig. 6 box 16) of the main signal based on the line setting information (fig. 6 box 30, 32) and the cross-connected trigger information pieces (fig. 6 box 10) so that one of the working path and the protection path signals is selectively output (col. 8 line 59 - 63).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Ronald Abelson
Examiner
Art Unit 2666

May 30, 2003

Seema S. Rao
SEEMA S. RAO 5/30/03
SUPERVISORY PATENT EXAMINER
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